

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

February 10, 2014

7:00 p.m.

Present: Tony DeMarco
Ron Van Kirk
Kathy Pucci
Mary Albier
Kevin Tanski
Andy Celcherts
Katie Gallagher

Absent: None

Pledge of Allegiance.

President Gallagher offered Council's condolences to Director Dan Enovitch on the loss of his mother, Doris. She introduced and welcomed new Councilmember Andy Celcherts, who was chosen to fill the empty Council seat on Thursday, Jan. 30th, and was sworn in by Mayor Albier that day. He's a great addition and has already contributed insight in the time since he started. She looks forward to working with him over the next couple years. Prior to the Jan. 30th meeting, Council met Jan. 26th to discuss the vacancy, but a decision couldn't be reached. There were many great candidates who applied, and she thanked all of them for their time and commitment to Brooklyn. Feb. 5th Council held a budget work session to discuss some capital requests from directors and their own personal thoughts for the year; it was a productive meeting and she thanked her colleagues for their time and ideas. After reviewing some of the capital and personnel needs for departments, she also thanked the directors for their hard work, and in getting the most of their departments with tax dollars. Also welcomed Asst. Bldg. Commissioner Dave Kulcsar, who began Jan. 27th. The Mayor and Bldg. Commissioner are committed to beautifying Brooklyn in 2014, and Mr. Kulcsar's addition will allow Comm. Fitzgerald to do a comprehensive safety and maintenance inspection program this year.

PUBLIC SESSION:

Tom Adamski of 9625 Melody Ln. reiterated his request about traffic on Melody Lane. He doesn't understand why a stop sign is out, for legality reasons, and why other cities do it. The only option is having a mobile camera. There's publicity saying cameras are illegal, but the lawsuit is to do with the ticket being at a municipal court. Current law says it's legal to use mobile cameras. If it's being considered, and it has to be leased, note that it's not for the profitability. Due to the weather there hasn't been much done, though traffic has increased, with construction, and will increase more as it gets closer to Ridge Park Sq. Though Dir. Enovitch is absent, he questioned the money set aside for the landfill costs, and if there is remaining money not spent on the closure how does it get transferred to the other accounts. Asked if Sheetz paid the total amount or if the city paid a portion of the traffic light at their location.

Victor Ardito of 7439 Outlook Ave. brought up again that the salting of the city streets, that they are clean; but if trying to make the money last, suggests not salting the flat sidestreets.

Todd Hopkins of 642 Red Stone Circle, Brunswick, representing the School District, first thanked the Planning Comm. for approval of preliminary site plan for the new building project, and appreciated their input as they move forward in their plans. The Bd. of Education passed a resolution to put a renewal levy on the May 6th ballot. Stressed it's a renewal of an existing tax, that generates \$2.175 million, and assessed at 6.7 mills. He appreciates the support of the community, and asks for their and Council's support of this renewal.

Matthew Sullivan of 8975 Springcrest, said he's interested in purchasing a foreclosed home through Sheriff's auction, and noticed banks are buying them back for their low value. He's wondering why they're buying them back after losing the mortgage and are they using tax dollars to buy them back. It seems to be a mystery. He asked if the city can do anything to stop it from happening. He also asked if there was anything on the books about residential deer feeding, as someone is doing it and the deer are trampling on things and making a mess. President Gallagher responded that there is an ordinance that residents should not be

feeding the deer. Enforcing it is an issue, and suggested speaking to the Police Chief about it, and getting officers off the road to do this. For his other issue, Dir. Fitzgerald said he had been asked, and he also does not understand why they foreclose on a property, buy it back, then sit on it. Then he has to cite an individual from the bank and take them to court, so things move. He said it's very frustrating on the city's part. President Gallagher said there wouldn't be government funds; Dir. Fitzgerald said absolutely not.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilwoman Pucci): The Comm. met at 6:30 and recommended: Put Ord. 2014-4 and 2014-5 on second reading (Loving Cup Day Care relating to name changes); Ord. 2014-6 to be tabled (relating to part-time Law Dept. healthcare contribution); Ord. 2014-8 (agreement with Cleveland for participation in their radio system) be adopted; Ord. 2014-9 be adopted (labor agreement with Jailer, same as other adopted agreements); authorized Brooklyn's participation with the Friends of Big Creek's proposed modifications of I-71 project (Brooklyn, \$2,500 – Cleveland, \$10,000); came to a consensus for the city to continue with the Heritage Home Program.

Economic Development Comm. (Councilwoman Pucci): The Comm. met Jan. 31st to discuss the purchase of the vacant lot at the corner of Memphis and Brookway. If the purchase agreement is accepted it will be authorized by Council, which is what the Committee recommends.

Recreation Board (Councilman Tanski): Registering for 2014 youth soccer (Recreation program), ages 3-8; and also for girls, ages 9-14 (Brooklyn Soccer Club). Current Brooklyn ID card is required. Volunteer coach applications are also available at registration. Residents, \$55; nonresidents, \$60. Register until Feb. 28th. The next Board meeting is Tuesday, February 18th at 7 p.m. in the Mayor's Court.

Legislative Update (Councilwoman Balbier): House Bill 69 involves prohibiting the red light traffic camera. Cities argue it's for safety; but people think it's a money making proposition. It's been testified that these cameras can increase traffic crashes. The Bill is moving through legislative process. 8th District Court of Appeals, Cuyahoga County, ruled against Cleveland's ordinance regarding it and declares it unconstitutional. Personally, she said the cameras make her very nervous.

Planning Commission (Councilwoman K. Gallagher): The Comm. met Feb. 6th for the following: approved request from Acres Identity LLC to install illuminated wall mounted sign at 4760 Ridge for business identification of Zounds Hearing; approved request from TDA Architecture for 107,000 square foot new construction for Middle/Elementary School at 9200 Biddulph Rd., contingent on the school submitting traffic study and adding fence around retention basin.

REPORTS OF COUNCIL:

Ron Van Kirk: Thanked everyone for coming. Expressed condolences to the Enovitch family. On Jan. 30th the newest Councilmember was sworn in by the Mayor. He personally thanks all the candidates for their time to go through the interview process, which he found encouraging for people who desire to help out the town. Thanked the other Councilmembers for their time to make sure the appointment was made. The process worked, and they were able to come to a consensus before the Charter deadline. He welcomes Andy Celcherts to City Council and looks forward to working with him. As mentioned, he's already been an asset to the Council, and believes he will continue to be. It was important to him, and every Councilmember, that Council make this appointment to ensure proper balance of power in the city government. The appointment was made, and the balance is intact. Through the process many ideas came from candidates and Councilmembers on moving Brooklyn forward. He's encouraged Council was able to come to a consensus and now move forward as a Council. Thanked Safety Forces and Service Garage workers for hard work the last several weeks with this round of brutal winter weather. As he drove around the city several times, trucks were out constantly, and he appreciates that hard work. To Mr. Adamski, on the speeding problem on Idlewood, he's in contact with a company that he hopes through legislation to partner with the city to eliminate or reduce the speeding problem. Safety's crucial on all streets, and to enhance that safety is a win-win. When he has more solid information he'll put out a notice for a Public Safety Comm. meeting to explain the program. He wants the residents in that area to know he's working on the problem. His interest is not this being a money making thing for the city; rather a safety issue in that area. Thanked the Chief for

increased officers; but it's not a permanent solution to the problem. As was stated, legislation is going through the House right now. Cleveland's issue was overturned because of how the tickets were handled, not the cameras themselves. But his interest for Brooklyn is not to make money, the point is to make the residents there safe, for foot traffic during spring and summer also. So look forward to more information on this in the very near future.

Kathy Pucci: Offered condolences to the Enovitch family. The Community Improvement Corporation (CIC) met Feb. 3rd for its required annual meeting, where officers were elected for the year (Mayor, president; she is secretary). There is a vacancy for treasurer. The property currently in the CIC are two parcels at Memphis and Ridge. A provision sends the property back to the city if not sold. The city wants to make sure nothing undesirable goes there. (For example, the CIC rejected a dollar store and a Rally's) Council has to decide what to do now – to either amend the legislation to extend it, or remove the clause. She asked Council to think about it and let her know. Safe Routes to School has a meeting for infrastructure only on Feb. 13th at 10 a.m. at ODOT. A resident called and asked her to pass along two compliments: to Chief Mielke for a welfare check officers went on and how wonderful they were (the resident could not be reached by a concerned family member); and to Dir. Verba, that he is doing a great job, and compliments to the Service Dept. workers for snow removal this winter. Welcomed Councilman Celcherts and looks forward to working with him. They have sat down a couple times to meet and discuss what's going on in the city. She applauds his efforts to jump in and get brought up to speed. Commented on the selection process. Reiterated she appreciates every applicant, and recognize it's not easy to put yourself out there. There were good conversations with each person. Council's job is to look objectively and select the best qualified candidate. Each applicant had something to offer, but one stood out based on their background and experience, with hands-on experience in private and public sector, economic development, strategic planning, lean management and finance, and a history of volunteering in the community. On the last day, with three finalists, three members were willing to compromise, so there were not enough votes to make the appointment. She changed her vote two times for the sake of Council. It wasn't a personal victory, it was a victory for the good of Council and preservation of the balance of power of Council as the governing body. To Mr. Adamski, she spoke with Senator Skindell about the matter, and the legislation is in his committee. He didn't have timeline for action. She expressed the city's frustrations, and he feels this is a Home Rule situation, that the state shouldn't tell municipalities what they can do. She agrees with Councilman Van Kirk that we have to do something. The Cleveland situation isn't about having red light cameras or not, it's the administrative process. She's interested to hear what he comes up with, but would like us to start looking and analyzing options for some type of enforcement, possibly mobile if we go this direction, and the administrative procedure, which will be key to the process. She said Sheetz paid for the lights at Sheetz, the city did not. Asked Dir. Claussen to prepare a Resolution of support for the school renewal levy for the next Council meeting. She doesn't have answers for the bank situation Mr. Sullivan spoke of. Maybe they want to keep it to see if they can sell it for more. Comm. Fitzgerald said he thinks they're keeping it for collateral. She asked if we had a requirement for the responsible party to register with the city; Comm. Fitzgerald said not with the city. She would like us to look into this, and asked he work with Dir. Claussen on this.

Mary Balbier: Welcomed Councilman Celcherts, that he will be a great asset to the city, with his knowledge of tax and financial matters. This past weekend she and Andy attended a newly elected officials seminar sponsored by the County Council at the Maxine Goodman Levin College of Urban Affairs (Cleveland State). It was very informative and comprehensive. Also was very impressed with the campus at Cleveland State. She received a call from a resident who was happy her grandson (Cub Scout Pack 319) got to attend a tour of the Police Dept. and facilities; thanked Chief Mielke and staff for making it memorable. There will be a seminar at the Parma Library on Powers Blvd. relating to the new healthcare laws on Sat., Feb. 22nd from 9:30-11:30 a.m. Sounds has opened in Ridge Park Square, and it's good to see the hustle and bustle of a new place. The Mayor will be there for the official grand opening Feb. 11th. It's good to see the vacant storefronts coming alive and vibrant, with things on the upswing.

Kevin Tanski: Welcomed Councilman Celcherts, looks forward to working with him. Hats off to the workers for maintaining the streets, and jobs well done. Thanked Dir. Verba for handling a sidewalk issue with jammed up snow. Asked Chief Mielke for an update on Idlewood, with the police sitting there, and how many tickets were issues, and what is going on with the speeding. Chief Mielke said he ran a report today, and violations have significantly decreased, to the point where the police are just sitting for 20 minutes, twice a day, watching traffic. Asked Councilwoman Balbier if, at the meeting she was at if they spoke about the cameras and long-term contracts? Councilwoman Balbier said she did not attend a meeting, but nothing

was mentioned about that. He asked the Mayor the same question, since Linndale has entered a long-term contract, Cleveland has added cameras with 10 year contract. The Mayor said he does not have any update, but agreed there is legislation on these cameras. A Senator is introducing legislation that you can't have a camera unless the city has a Mayor's Court. There's many different ordinances, and he thinks we need to wait to see what we can and can't do.

Andy Celcherts: Thanked the Council for their time and effort in this appointment; he hopes to fill the spot the best he can. He's been pretty busy his first week and a half, trying to attend committee meetings. He and Mary did attend a seminar at CSU, and there's another one in Westlake. He has met with the Fire Chief, Police Chief, Rec. Manager, and gone over some wants and needs, and go through the facilities to see the infrastructures, with what's up to date, and what can be updated, to get a better handle on things. Has planned to visit a few cities to get ideas on their departments' operations, and see where we can piggyback off their best practices, trying to save us money in the long run, and make better services for Brooklyn residents. He's also invited other Councilmembers and affected departments when he goes, so it's a learning experience for all.

Tony DeMarco: Offered condolences to the Enovitch family. Welcomed Councilman Celcherts, and will get together with him for talks. It was a lengthy and tedious process, to come to the conclusion of Andy. Thanked all the candidates for their time, one night till 11:30. It showed their commitment to wanting to help the city. In his personal opinion, one candidate was far superior to the other candidates; but the majority of Council didn't feel that way. We'll move on. Council had an introductory budget meeting, and he's forwarded some ideas to Council (and the Mayor) for consideration and support; one to reduce the city income tax from 2½% to 2¼%. He's been studying it, and thinks we need a competitive advantage to recruit serious companies with real payroll. With the current rates, we're one of the highest rates in the county. When employers evaluate opportunities to move their business to Brooklyn, that's a factor. He hopes Council and the Mayor give it serious consideration. Other thoughts are to change our current city engineering, from having it outsourced to a full-time employee in-house; and Memphis Avenue, which isn't scheduled for construction till 2016, and hopes we do whatever we can to try to get that done next year.

Katie Gallagher: Repeated that Feb. 22nd from 7-10 at Ridge Manor the Chamber of Commerce hosts the Taste of Brooklyn And All That Jazz. Tickets are \$20/person, available through the Chamber or at the High School. The Drama Club will present the musical Annie on March 6, 7 and 8 at 7 p.m., with a matinee March 8 at 2 p.m.; and a preview at the Senior Center March 6th, with a complimentary breakfast and preview performance (from the PTSA and Music Boosters). Apologized to Councilman Celcherts that his first day was dampened by some comments tonight. She expressed he is a terrific candidate, and should be up here. Hopefully Council understands this was a decision that required a majority of votes. No person was strong armed to vote in any particular way. She personally did not participate in the deliberation or pick of this vote, because one of her colleagues asked her to step down from it; as a matter of compromise she chose to do that. It was her choice. She did not agree with the reasoning behind it, but as a compromise she chose not to participate. Everyone has to understand they made a decision, and if they weren't happy with it they should have voted no. To dampen Councilman Celcherts first day is deplorable.

MAYOR'S REPORT:

Mayor Balbier: Offered condolences to the Enovitch family. A couple of weeks ago attended a Mayor's meeting, talking about salt. 41 cities in the county were either out of or close to being out of salt, but Brooklyn wasn't one of those. We belong to a group, with eight other cities, and contract to get our salt, within 24 hours. Though the other cities pay less, some wait a very long time for salt, and some are out. Highlights from the 2013 Annual Police Dept. report: 1,425 prisoners came through our jail (14.5% increase over 2012); 104 cases were filed by the Juvenile division; 22,243 service calls were handled; 688 misdemeanor, 111 felony arrests; 481 accidents; 68 stolen autos; and 556 theft arrests. Next meeting he should have the Fire report. To Mr. Adamski, as was said, Sheetz paid for their traffic light, and they also paid for a traffic study to synchronize the lights from Biddulph to Brookpark. He's had great reports on the synchronizing, the traffic is running better. Zounds grand opening tomorrow at 9:30 at Ridge Park Square. Had Coffee with the Mayor last Monday, with his staff, to update what is going on in the city, with questions for staff. Welcomed Councilman Celcherts.

LEGISLATION:

ORDINANCE 2014-2, Amending Ord. 2004-32, as amended by Ord. 2007-1, 2010-1, 2011-5, 2012-2, and 2013-2 entitled, 'An Ordinance to establish and adopt Rules of Brooklyn City Council.' President Gallagher again went over the changes: The Organizational meeting adds the language 'or as soon as practical thereafter'; added the School Board liaison; and adding a section for Executive Session, as adopted under the Ohio Budget under Section 121.22 of the Ohio Revised Code. **MOTION** by Pucci, second by Tanski to adopt. **VOTE RESULTED:** *Adopt:* Yes: DeMarco, Van Kirk, Pucci, Balbier, Tanski, Gallagher. Abstain: Celcherts. No: None. **(ADOPTED)**

President Gallagher announced that the new School Board liaison will be Councilman Celcherts.

ORDINANCE 2014-4, Amending Sect. 1 of Ord. 2011-67, adopted 11/28/11 entitled, 'Approving and authorizing the Mayor to executive a Community Reinvestment Area Tax Agreement with ClevelandTech Solutions, LLC at an estimated cost of \$350,000 to reflect a name change and expansion at 4476 Ridge Road. **(SECOND READING)**

ORDINANCE 2014-5, Amending Sect. 1 of Ord. 2011-66, adopted 11/28/11 entitled, 'Authorizing the City of Brooklyn to enter into a Job Creation Grant Agreement with ClevelandTech Solutions, LLC on behalf of Loving Cups Kids Academy of Brooklyn for the sole purpose of redeveloping the former Brooklyn Library property into a child care center to reflect a name change. **(SECOND READING)**

ORDINANCE 2014-6, Health Insurance coverage for the positions of part-time Law Director, Prosecutor and Magistrate. **MOTION** by Tanski, second by Van Kirk to Table. **VOTE RESULTED:** *To Table:* Yes: DeMarco, Van Kirk, Pucci, Tanski, Gallagher. Abstain: Balbier, Celcherts. No: None **(TABLED)**

ORDINANCE 2014-8, Authorizing the Mayor to enter into a participant agreement with the City of Cleveland for the purposes of the City of Brooklyn safety forces and public services for the shared use of Cleveland's 800 MHz radio system. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher. No: None. *Adopt:* Yes: DeMarco, Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2014-9. Authorizing the Mayor to enter into a contract with the Northern Ohio Patrolmen's Benevolent Association, Jailer's Unit. Dir. Claussen asked that it be passed by emergency, because, as with the other collective bargaining agreements, once the unions vote the Council has seven days to approve the contract. If they do not take a vote, the contract is automatically passed. This is pursuant to the Revised Code. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: DeMarco, Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher. No: None. *Adopt:* Yes: DeMarco, Van Kirk, Pucci, Balbier, Tanski, Celcherts, Gallagher. No: None. **(ADOPTED)**

Councilman DeMarco wanted to provide information to the residents regarding our City's current income tax rate versus other cities. He found information, of other cities in Cuyahoga County that have the same or higher tax rate as Brooklyn: City of Euclid, Highland Hills, Maple Hts., No. Randall, Oakwood, Parma, Parma Hts., University Hts., Warrensville Hts., Orange, Woodmere. He thinks it's something to take a serious look at this year.

Mayor Balbier noted that Brooklyn is one of the few cities that gives 100% credit to its residents on city income tax.

Councilwoman Pucci wanted to clarify that she spoke to Councilman Celcherts ahead of time, and as she stated, they've met twice, and she thinks they're off to a good start. He knows her comments were not directed at him, but rather the process. Yes, there was pressure, pressure to keep the decision within Council. Also complimented President Gallagher for volunteering to recuse herself, she appreciates that. Also, agrees Memphis is in deplorable condition (Dir. Verba said it's scheduled for 2016), but the ball will start rolling July 1, 2015.

Councilman DeMarco asked Dir. Verba if we have any opportunity to sit with our engineer and get back with the county to find out if there's any possible way, as the project was already moved from 2013, but can it be

pushed up. It's so bad he can't imagine it going through two more winters. Dir. Verba said he contacted Engineer Courtney, and he didn't know how far they were in their planning, if they could do it, but he was looking into it. Councilman DeMarco asked Dir. Verba to stay on top of Mr. Courtney doing that.

Mayor Albrier said we will look into it and try, but one of the reasons they put it back was because they didn't want Ridge Road under construction at the same time, not having both main streets being worked on at the same time. Councilman DeMarco said he understands, but we're done with the intersection, so to possibly have it done next year shouldn't cause traffic issues. The Mayor said they will try, but doubts anything could be done.

President Gallagher asked everyone to remember that Feb. 17th is President's Day, and the city buildings will be closed and rubbish will be a day late.

There being no further business, **MOTION** by Tanski, second by Pucci to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: DeMarco, VanKirk, Pucci, Albrier, Tanski, Celcherts, Gallagher. No: None. **(ADJOURNED)**

Asst. Clerk of Council

President of Council